

Message Text

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ACTION VO-03

INFO OCT-01 EUR-12 ISO-00 DHA-05 INSE-00 SCA-01 SSO-00
/022 W

-----099556 291517Z /53

O 291404Z AUG 77

FM ULEMBASSY BUCHAREST

TO SECSTATE WASHDC NIACT IMMEDIATE 5119

C O N F I D E N T I A L SECTION 1 OF 2 BUCHAREST 6324

E.O. 11652: GDS

TAGS: CVIS, SHUM, SREF, RO

SUBJ: PROPOSAL TO AMEND THE INA

REF: A. STATE 203708, B, STATE 200790

1. THERE FOLLOW RESPONSES TO THE VARIOUS QUESTIONS
RAISED IN REFTEL A. IN GENERAL, PERSONS PROCESSED
UNDER THE TCP PROGRAM HAVE ROMANIAN EXIT VISAS OF
SUFFICIENT VALIDITY TO LEAVE THE COUNTRY BEFORE VISA
EXPIRATION. IN CASES WHERE WE ANTICIPATE A TIME PROBLEM,
WE REQUEST THAT THE INDIVIDUAL ASK FOR AN EXIT VISA
EXTENSIONJA GOR OFFICIALS ARE ALMOST ALWAYS COOPERATIVE
IN THIS RESPECT AND EXTENSIONS OF 2-3 MONTHS ARE GRANTED
AFTER A COUPLE OF DAYS. WE GENERALLY TRY TO AVOID THE
OPTION OF EXIT VISA EXTENSION, HOWEVER, SINCE THIS
MERELY EXACERBATES THE SITUATION OF A PERSON WHO MUST
REMAIN IN ROMANIA WITHOUT HOUSE OR JOB.

2. THIRD COUNTRY PROCESSING (TCP) THRTTEGH INS
ROME IS HANDLED AS FOLLOWS FROM BUCHAREST:

A. AN INDIVIDUAL VISITS THE EMBASSY IN POSSESSION
OF A GOR PASSPORT QGTH EXIT VISA FOR US. IF WE DETER-
MINE THAT NEITHER IR NOR PREFERENCE NOR NON-PREFERENCE
STATUS IS POSSIBLE, THEN TCP REMAINS ONLY VIABLE ALTER-
NATIVE IN MOST CASES.

B. IF THE INDIVIDUAL DOES NOT HAVE AN IMMEDIATE
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RELATIVE WHO CAN FILE VP, WE MUST HAVE AFFIDAVIT OF
SUPPORT FROM SOME RELATIVE--EVEN INCLUDING
UNCLE, AUNT, COUSIN, ETC.--IN US. THERE IS NO REQUIRE-
MENT FOR SPECIFYING WHETHER THIS RELATIVE IS A CITIZEN,
ALIEN RESIDENT, OR A CONDITIONAL ENTRANT. AT AN EARLY
POINT IN TCP PROGRAM, WE HAD ACCEPTED AFFIDAVITS
FROM US FRIENDS, BUT THIS APPROACH WAS DROPPED AFTER

REVIEW IN WASHINGTON.

C. TELEGRAPHIC TCP REQUEST IS MADE TO INS ROME AND DEPARTMENT, THE LATTER PERFORMING NAME CHECK AS IS CUSTOMARY IN ALL IMMIGRANT CASES. IF NOTHER INELIGIBILITIES ARE UNCOVERED IN INTERVIEW--THE MOST COMMON BEING SECTION 212(A)(28) INELIGIBILITY FOR RCP MEMBERSHIP--THE TELEGRAM TO ROME WILL INCORPORATE A SECURITY ADVISORY OPINION. INS HAS REQUESTED THAT WE ALLOW 15 WORKING DAYS FOR TCP APPROVAL TO BE GRANTED. ONCE APPROVAL IS RECEIVED FROM ROME AND WASHINGTON AND ONCE OTHER USUAL REQUIREMENTS ARE MET, WE ISSUE A SPECIAL US "EMIGRANT VISA." ON THE BASIS OF THIS VISA, THE ITALIAN EMBASSY IN BUCHAREST WILL START THE PROCESS FOR AN ITALIAN ENTRY VISA, WHICH NORMALLY TAKES 2-3 WEEKS. PRIOR TO LEAVING ROMANIA, ARRANGEMENTS ARE MADE FOR THE INDIVIDUAL'S RECEPTION IN ROME BY A VOLAG REPRESENTATIVE.

3. FOR THE PAST THREE MONTHS, THE ABOVE PROCEDURE HAS BEEN INCREASINGLY UTILIZED FOR THOSE PERSONS PREVIOUSLY ELIGIBLE FOR US IMMIGRANT VISAS UNDER THE NON-PREFERENCE CATEGORY. WITH THE CURRENT ABSENCE OF VISA NUMBERS UNDER THIS CATEGORY AND THE PROSPECT OF A

GROWING NUMBER OF PEOPLE WHO ORDINARILY COME UNDER THIS RUBRIC RECEIVING EXIT DOCUMENTS FOR THE US, WE HAVE
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OFFERED THE OPTION OF WAITING IN ROMANIA UNTIL THE NON-PREFERENCE CATEGORY REOPENS OR OF TCP PROCESSING. WITHOUT HOUSE OR JOB, HOWEVER, WAITING IS OFTEN A MAJOR HARDSHIP, AND MANY PERSONS ARE CONCERNED LEST THE GOR CHANGE ITS MIND AND CANCEL THEIR PASSPORTS. THE TCP PROGRAM OFFERS THE ADVANTAGE OF LEAVING ROMANIA IN A REASONABLY SHORT PERIOD OF TIME. NEVERTHELESS, GIVEN THE FACT THAT A SIZABLE PERCENTAGE OF NON-PREFERENCE REGISTRANTS ARE OLD PEOPLE AND MINOR CHILDREN, TRAVELING TO ROME AND WAITING AN INDETERMINATE LENGTH OF TIME CAN ITSELF BE A HARDSHIP. WE HAVE ALREADY REQUESTED INS WASHINGTON TO GRANT PAROLE TO THREE SMALL CHILDREN AND ONE VERY ELDERLY PERSON WHO ARE NON-PREFERENCE REGISTRANTS AND THUS CURRENTLY ELIGIBLE FOR THE TCP PROGRAM.

4. WITH REGARD TO THE QUESTION OF TRAVELING TO VIENNA, WE CANNOT OF COURSE GIVE VISAS TO PERSONS WHO DO NOT HAVE RELATIVES IN THE US, EVEN IF THESE PERSONS COME TO THE EMBAUHY WITH GOR EXIT DOCUMENTS IN HAND WITH EXIT VISAS TO THE US. STILL, THEY ARE FORCED TO BURN ALL THEIR BRIDGES BEHIND THEM BUT AT THE SAME TIME HAVE NO

PLACE TO GO. FOR SUCH PEOPLE, WE DO ISSUE A LETTER (IN ROMANIAN) WHICH STATES THAT THE BEARERS WISH TO TRAVEL TO VIENNA WHERE THEY HAVE BEEN INFORMED THAT THEY CAN APPLY AT THE US EMBASSY FOR IMMIGRATION TO THE US UNDER SECTION 203(A)(7) OF THE INA, IN EFFECT, UNDER THE SAME REFUGEE PROVISIONS AS THOSE WHO ARE PROCESSED IN ROME. IT APPEARS THAT THE ROMANIAN BORDER AUTHORITIES EITHER HONOR THE LETTER OR ARE INDIFFERENT TO IT, BUT IN ANY EVENT SUCH PEOPLE SEEM TO BE ALLOWED TO TRAVEL TO AUSTRIA. (ROMANIANS ARE ALLOWED TO TRANSIT HUNGARY WITHOUT A VISA; AND ROMANIANS WITH REGULAR GOR PASSPORTS CAN ENTER AUSTRIA WITHOUT A VISA. TECHNICALLY, ROMANIANS BEARING STATELESS BROWN PASSPORTS MUST HAVE AUSTRIAN VISAS, BUT WE KNOW OF MANY CASES WHERE THEY

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INFO OCT-01 EUR-12 ISO-00 DHA-05 INSE-00 SCA-01 SSO-00
/022 W

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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC NIACT IMMEDIATE 5120

C O N F I D E N T I A L SECTION 2 OF 2 BUCHAREST 6324

WERE ADMITTED WITHOUT THEM.) IN SEVERAL CASES INVOLVING LARGE SIZE FAMILIES WITHOUT RELATIVES IN THE US, THE FOREIGN MINISTRY COMPLAINED TO US THAT WE HAD NOT ISSUED VISAS EVEN THOUGH THEY ALLEGED (BUT NEVER APPROVED) THAT PASSPORTS HAD BEEN ISSUED AS THE RESULT OF INTERVENTIONS BY MEMBERS OF CONGRESS. IN THESE CASES WE TOLD MFA THAT WE WERE GIVING THE FAMILIES CONCERNED THE LETTER DESCRIBED ABOVE, AND THE FAMILIES WERE ABLE TO LEAVE, AFTER SEVERAL TRIES. THIS PROCEDURE, HOWEVER, IS SO JERRYBUILT BY ITS VERY NATURE THAT IT CANNOT BE RELIED UPON.

5. WITH REFERENCE TO PARAGRAPH 3, AND TO THE SUGGESTED LIMITED SCOPE OF LANGUAGE OF THE LEGISLATIVE PROPOSAL, I FIND IT HARD TO COMMENT WITHOUT KNOWING THE RATIONALE. WHAT I HAD AGREED UPON LAST MONTH IN WASHINGTON AND WHAT MET ONCE AGAIN WITH CONGRESSMAN EILBERG'S APPROVAL WAS A STRAIGHTFORWARD ATTEMPT TO MAKE IT POSSIBLE FOR THOSE WHO DO NOT QUALIFY FOR IR OR PREFERENCE STATUS TO GO DIRECTLY TO THE STATES (IF THEY OTHERWISE QUALIFY OBVIOUSLY) AND THUS AVOID EITHER THE LONG TCP ROUTE OR THE UNCERTAINTIES OF THE NON-PREFERENCE ROUTE. OUR UNDERSTANDING IS THAT THOSE WHO LEAVE THE SOVIET UNION ARE NOT SUBJECT TO THIS LIMITATION OR TO DEGREE OF RELATIONSHIP LIMITATION. BE THAT AS IT MAY, THE LANGUAGE OF SECTION 402 OF THE TRADE ACT (JACKSON-CONFIDENTIAL

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VANIK) DOES NOT LIMIT ITSELF TO SECOND DEGREE RELATIVES BUT SPEAKS OF THE CONTINUED DEDICATION OF THE UNITED STATES OF FUNDAMENTAL HUMAN RIGHTS AND OF FREEDOM OF EMIGRATION. CERTAINLY A LIMITED SPECIAL IMMIGRANT STATUS OF THE TYPE SUGGESTED WOULD SOLVE SOME OF OUR PROBLEMS, BUT DEPENDING ON WHO IS ENCOMPASSED BY DEFINITION IT WOULD NOT HELP ALL OF THOSE WHO CURRENTLY GO VIA TCP OR WHO WOULD HAVE QUALIFIED FOR NON-PREFERENCE IF NUMBERS WERE AVAILABLE. SINCE THE OVERALL NUMBERS ARE NOT LARGE, IN THE ABSENCE OF ANY OTHER INFORMATION I DO NOT SEE ANY COMPELLING REASON TO MAKE THE DISTINCTION PROPOSED. I COME BACK IN SHORT TO WHAT HAS BEEN MY BASIC ARGUMENT FROM THE BEGINNING: THIS IS A QUESTION OF DEMONSTRATING OUR SERIOUSNESS ON ONE OF THE MAJOR HUMAN RIGHTS ASPECTS OF OUR RELATIONS WITH ROMANIA, AND THE CLEARER AND SIMPLER OUR RESPONSE THE BETTER FOR THOSE RELATIONS AND FOR THE INDIVIDUALS INVOLVED.

6. I AM GLAD TO SEE THAT WASHINGTON EFFORTS ARE NOW MOVING FASTER AND TRUST THAT THE RECOMMENDATION TO THE SECRETARY WILL INDEED GET TO HIS THKS WEEK SO THAT CONGRESSMAN EILBERG CAN RECIVE PROMPTLY THE PROPOSAL HE HAS NOW REQUESTED.
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Message Attributes

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Decaption Date: 01-Jan-1960 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Disposition Event:
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